# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	☐ U.S.
Olga Bentin		Squad #4	201708784	☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	<u> </u>	Precinct:	18 Mo. SOL	EO SOL
Saturday, 10/21/2017 11:40 PM				73	4/21/2019	4/21/2019
Date/Time CV Reported		CV Reported At:	How CV Reported	: Date/Time	Received at CCI	RB
Tue, 10/24/2017 11:16 AM		CCRB	Phone	Tue, 10/24	1/2017 11:16 AM	I
Complainant/Victim	Туре	Home Addre	ess			
Witness(es)		Home Addre	ess			
	~					
Subject Officer(s)	Shield	TaxID	Command			
1. SGT David Grieco	03830	940216	INT CIS			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POM Frank Ryan	21262	952201	PSA 9			
2. POM Christophe Desimone	06317	958495	PSA 2			
3. POM Jason Gammello	31832	954842	PSA 2			
4. POM Michael Wallace	579	955649	PSA 2			
Officer(s)	Allegation	on		Inve	estigator Recon	nmendation
A.SGT David Grieco	Abuse: S § 87(2)(b)	ergeant David Grieco e	ntered in Brooklyn.			
B.SGT David Grieco		ergeant David Grieco th	2	87(2)(b)		

#### **Case Summary**

On October 24, 2017, \$87(2)(b) contacted the CCRB by phone and filed this complaint on behalf of his mother, \$87(2)(b) On October 27, 2017, a duplicate of this complaint was received from IAB, which \$87(2)(b) filed with the IAB Command Center on October 22, 2017.

On October 21, 2017, at approximately 11:40 p.m., Sgt. David Grieco, currently assigned to the Intelligence Criminal Section, along with several other officers, identified by the investigation as PO Christopher Desimone and PO Jason Gammello, of PSA 2, entered apartment, located at 37(2)(b) in Brooklyn (Allegation A:

Abuse of Authority, 37(2)(g) . Sgt. Grieco allegedly threatened to arrest 37(2)(b) (Allegation B: Abuse of Authority, 37(2)(g) .

was not arrested as a result of this incident, but she was issued a summons for unlawful possession of marijuana (BR 13).

This complaint received media coverage (BR 02). Between February 1, 2018, and July 22, 2019, this complaint was on DA Hold.

There is no video evidence for this case.

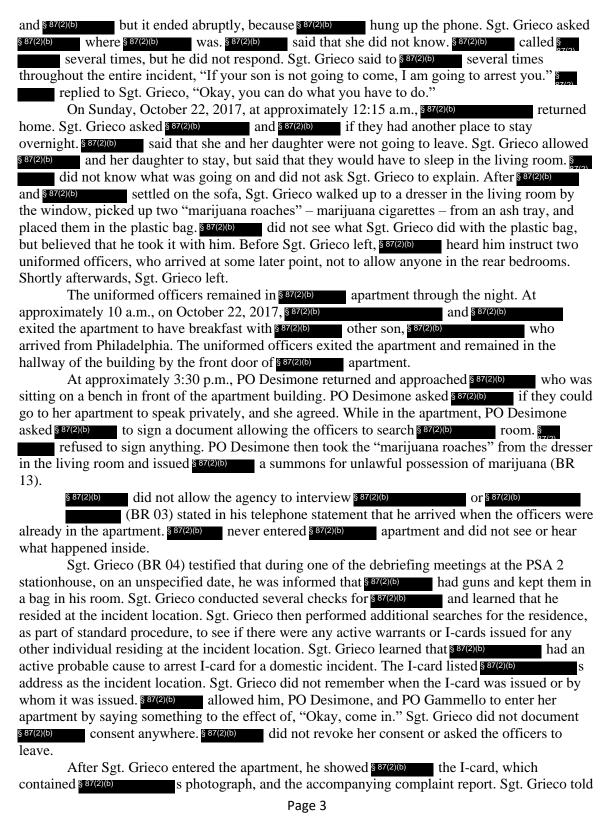
#### **Findings and Recommendations**

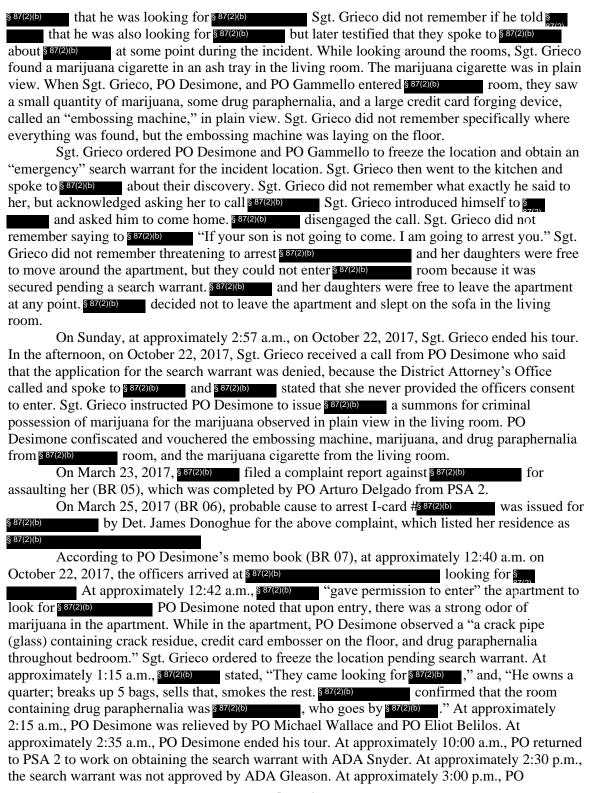
Allegation (A) Abuse of Authority: Sergeant David Grieco entered in Brooklyn.

Allegation (B) Abuse of Authority: Sergeant David Grieco threatened to arrest 887(2)(b)

It is undisputed that § 87(2)(b) allowed Sgt. Grieco to enter her apartment. It is disputed whether Sgt. Grieco threatened to arrest § 87(2)(b) The investigation determined the following facts: At the time of the incident, \$87(2)(b) resided in a three-bedroom apartment on the second floor of a three-story NYCHA building, known as § 87(2)(b) . She resided with her -year-old daughter, Ajanyah her adult daughter, § 87(2)(b) her year-old granddaughter, \$87(2)(b) and her adult son, § 87(2)(b) . Upon entering § 87(2)(b) apartment, there is a living room to the right and a kitchen to the left. To the right of the kitchen, is §87(2)(b) and a bathroom is next to it. Upon passing the kitchen, there is a hallway that leads to s bedroom, and to the right is §87(2)(b) bedroom. On Saturday, October 21, 2017, at approximately 11:40 p.m., Sgt. Grieco, PO Desimone, and PO Gammello arrived at § 37(2)(b) .§87(2)(b) was in the apartment with year-old §87(2)(b) apartment looking for \$87(2)(b) s bedroom. There was no one else in the apartment. who was asleep in § 87(2)(b) (BR 01) stated that she opened the door and Sgt. Grieco asked if was in the apartment. §87(2)(b) said no. Sgt. Grieco then asked §87(2)(b) if they could enter to check for themselves. §87(2)(b) replied something to the effect of "No problem. I have nothing to hide." \$87(2)(b) then opened the door wide, allowing the officers to enter. The officers walked into the apartment and looked around §87(2)(b) s room first. They visually inspected the area and did not touch anything. They then walked into § 87(2)(b) room and looked around as well. The officers then went to §87(2)(b) bedroom. § 87(2)(b) waited in the kitchen and did not follow the officers. The officers spent more time in § 87(2)(b) Sgt. Grieco returned, he asked § 87(2)(b) to call§§ 87(2)(b) § 87(2)(b) called § 87(2)(b) asked what happened. § 87(2)(b) told § 87(2)(b) that she did not know and then handed the phone to Sgt. Grieco. § 87(2)(b) did not hear the conversation between Sgt. Grieco

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Desimone returned to \$87(2)(b) to 'voucher evidence in plain view/issued summons to \$87(2)(b) for UPM #\$87(2)(b)

PO Desimone vouchered the following property (BR 09): pipe with crack cocaine residue, four small baggies containing marijuana residue, eleven marijuana cigarettes (field tested positive), and DXR credit card forging device.

The courts have held that officers may conduct a warrantless entry and search of a residence when provided with voluntary consent. Consent must be free and an unconstrained choice. People v. Gonzalez, 39 N.Y. 2d 122 (1976) (BR 08)

§ 87(2)(g)
§ 87(2)(g)

## **Civilian and Officer CCRB Histories**

- This is the first CCRB interview to which \$87(2)(b) has been a party (BR 10).
- Sergeant Grieco has been a member of service for thirteen years and has been a subject in 35 other closed and pending CCRB complaints and 82 other closed and pending allegations, of which eight were substantiated:
  - 201111996 involved substantiated allegations of abuse of authority (premises entered and/or searched) and failure to prepare a memo book entry. The Board recommended command discipline B and instructions and the NYPD imposed instructions.
  - 201207718 involved a substantiated allegation of abuse of authority (stop). The Board recommended charges and the NYPD imposed command discipline (one vacation day).
  - o 201405351 involved substantiated allegations of abuse of authority (premises entered and/or searched) § 87(4-b). § 87(2)(9) . The Board recommended charges and the NYPD imposed no penalty.
  - 201800398 involved substantiated allegations of abuse of authority (vehicle stop, vehicle search, threat of summons, search of person), § 87(4-b). § 87(2)(g)

    The Board recommended charges and the NYPD has not yet imposed discipline.
  - 201901422 involved a substantiated allegation of abuse of authority (threat of fore). The Board recommended Formalized Training and the NYPD has not yet imposed discipline.
  - 201808904 involves allegations of abuse of authority (threat of arrest and question). The complaint is pending investigation.
  - o 201901219 involves allegations of abuse of authority (premises entered and/or searched, and property damage). The complaint is pending investigation.
  - o 201903162 involves allegations of abuse of authority (premises entered and searched). The complaint is pending investigation.
  - o 201905362 involves an allegation of abuse of authority (premises entered). The complaint is pending investigation.

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- o 201903377 involves allegations of abuse of authority (entry of premises and search of premises). The complaint is pending investigation.
- o 201905362 involves an allegation of abuse of authority (entry of premises). The complaint is pending investigation.
- o 201906069 involves allegations of abuse of authority (stop and interference with recording). The complaint is pending investigation.
- 201908427 involves allegations of abuse of authority (premises entered and/or searched, property damage, and threat of arrest), and offensive language (gender). The case is pending investigation.
- o 201908448 involves an allegation of physical force (use of nonlethal restraining device). The complaint is pending investigation.

### **Mediation, Civil and Criminal Histories**

This case was not suitable for mediation.

•	§ 87(2)(b)	filed a Notice of Claim	with the City of New York on her own behalf and
	on behalf of her	r daughter, § 87(2)(b)	claiming false arrest, false imprisonment,
	violation of priv	vacy, deprivation of due	process, intentional infliction of emotional
	distress, neglige	ent infliction of emotiona	l distress, mental anguish, shame, humiliation,
	and indignity, a	and seeking \$15,000,000.	00 as redress (BR 11).

● § 87(2)(b)	§ 87(2)(b)					
Squad No.:	4					
nvestigator:	Signature	Print Title & Name	Date			
Squad Leader:	C'	Dia Tale 6 Name				
Reviewer:	Signature	Print Title & Name	Date			
Keviewei.	Signature	Print Title & Name	Date			

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